

# Notice of Allowability

Application No.

09/744,172

Examiner

Douglas S Lee

Applicant(s)

DUIGNAN, MICHAEL T.

Art Unit

2125

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/16/2004.
2. ☒ The allowed claim(s) is/are 1, 3-17, 19-24, and 26-33 (renumbered 1-30).
3. ☒ The drawings filed on 19 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. The terminal disclaimer filed on 9/16/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Number 6,583,381 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Amendment***

2. Applicant's amended claims and arguments with respect to claims 1, 3-17, 19-24, and 26-33 filed 9/16/2004 have been fully considered and they are persuasive. Claims 2, 18, and 25 are cancelled.

### ***Examiner's Statement of Reasons for Allowance***

1. Claims 1, 3-17, 19-24, and 26-33 are allowable over the prior of records.

3. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Regarding claim 1, the allowability, at least in part, resides in a method for fabrication of miniature structures, fails to teach in part the steps of providing a material carrier element having a deposition layer supported thereon and facing said substrate, whereby when said fabrication tool is in said material transfer mode of operation further including position said deposition layer in an interception path with said energy beam, and changing a relative disposition between said energetic beam and said substrate in accordance with said first predetermined pattern, thereby transferring a deposition material contained in said deposition layer on said surface of said substrate at location thereon cleaned during said material removal mode of operation. Regarding claim 17, the allowability, at least in part, resides in a method for

fabrication of miniature structures, fails to teach in part the steps of providing a material carrier element having a deposition layer supported thereon and facing said substrate, between said first and second cleaning steps, positioning said material carrier element into interception with said energy beam, thereby translating said fabrication tool into said material transfer mode of operation, and changing a relative disposition between said energetic beam and said substrate in accordance with said first predetermined pattern, thereby transferring a deposition material contained in said deposition layer onto said substrate surface at location thereon cleaned during said first cleaning.

Regarding claim 20, the allowability, at least in part, resides in a method for fabrication of miniature structures, fails to teach in part the steps of providing a material carrier element positionable in interception with said energy beam in said material transfer mode of operation and away from interception with said energetic beam in said material removal mode of operation, said material carrier element including a deposition layer supported thereon and facing said substrate.

3. Claims 3-16, 19, 21-24, and 26-33 are allowed for the same reasons above.

### ***Conclusion***


1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Leo Picard*, can be reached on (571) 272-3749 or via e-mail addressed to *[leo.picard@uspto.gov]*. The fax number for this Group is (703) 872-9306. Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to *[doug.lee@uspto.gov]*. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly

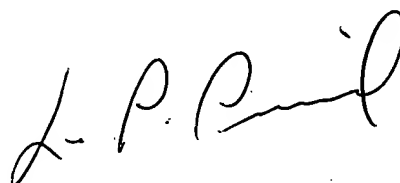
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signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

**Douglas Lee**

  
**11/12/2004**



**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**